

REMARKS

Applicant is in receipt of the Office Action mailed November 17, 2003. Claims 1 – 24 were pending in the present application. Claims 1 – 24 remain pending in the application.

Claims 1, 2, 4, 7, 8, 10, and 14 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Kenner et al. (U.S. Patent No. 6,154,744, hereinafter “Kenner”).

As stated in Applicant’s previous response, Applicant respectfully disagrees with the Examiner’s assertion that Kenner teaches or suggests a system “wherein **said first client is configured to execute a first instance of a test program by said first user and a second instance of said test program by said second user substantially concurrently,**” as recited in Applicant’s claim 1.

The Examiner asserts with regard to Kenner that “both first and second users of test programs access their respective files in both short and long file downloads.” Kenner describes a plurality of user terminals connected to the same ISP, and states that “the number of concurrent users of the invention is unlimited.” (col. 6, line 63 – col. 7, line 6) However, Applicant notes that Kenner does not teach or suggest that a plurality of users use the *same* user terminal 12 concurrently. In contrast, Claim 1 recites “**said first client is configured to execute a first instance of a test program by said first user and a second instance of said test program by said second user substantially concurrently.**”

The Examiner further asserts with regard to Kenner that “a second user is logged in concurrently through the same configuration utility.” However, Applicant’s claim 1 recites “wherein **said server is configured to login a first user and a second user.**” Applicant respectfully disagrees with the Examiner’s characterization of Kenner’s configuration utility 34 as a server. Furthermore, Applicant can find no language in Kenner that teaches or suggests that said configuration utility 34 is operable to log in a plurality of users **concurrently**.

Accordingly, claim 1 along with its dependent claims 2 – 14 are believed to patentably distinguish over the cited references for at least the reasons given above.

Claim 15 recites similar features to claim 1, and is likewise believed to patentably distinguish over the cited references, along with dependent claims 16 – 24 for at least the same reasons.

In addition, Applicant can find no teaching or suggestion in Kenner that “said server is configured to **login said first user using a first operating system protocol**, and wherein said server is configured to **login said second user using a second operating system protocol**,” as recited in Applicant’s claim 10. Kenner states that configuration utility 34 and client 36 may be part of the browser or operating system of the computer (col. 8, lines 5 – 10), but does not teach or suggest that “said server is configured to login said first user using a first operating system protocol, and wherein said server is configured to login said second user using a second operating system protocol.”


Accordingly, claim 10 is believed to patentably distinguish over Kenner for at least this additional reason. In addition, claim 21 recites similar limitations to claim 10, and is thus believed to distinguish over Kenner for at least the above reason.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 50-1505/5181-60700/BNK.

Respectfully submitted,



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